

Message Text

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73

ACTION EUR-12

INFO OCT-01 ISO-00 SP-02 AID-05 EB-07 NSC-05 RSC-01

CIEP-02 TRSE-00 SS-15 STR-04 OMB-01 CEA-01 COME-00

CIAE-00 DODE-00 PM-03 H-02 INR-07 L-02 NSAE-00 PA-02

PRS-01 NIC-01 NSCE-00 SSO-00 USIE-00 INRE-00 /074 W

----- 029164

O R 242030Z DEC 74

FM AMEMBASSY OTTAWA

TO SECSTATE WASHDC IMMEDIATE 5288

INFO AMCONSUL TORONTO

UNCLAS OTTAWA 4170

EO 11652 NA

TAGS ETRD ESTC CU CA

SUBJ CANADIAN SALE OF OFFICE FURNITURE TO CUBA

1. IMMEDIATELY PRECEDING TELEGRAM REPORTS DECEMBER 23 STATEMENT BY GILLESPIE IN CALGARY ABOUT NEED TO PUSH PENDING LEGISLATION BEARING ON TRANSACTIONS SUCH AS SUBJECT.

2. FOR QUICK REFERENCE, PLEASE SEE OTTAWA A-593 OF NOVEMBER 18, 1974 TRANSMITTING BILL C-29, "AN ACT RESPECTING CANADIAN BUSINESS CORPORATIONS", AND REPORTING IN PARTICULAR, REQUIREMENT OF BILL THAT FEDERALLY CHARTERED COMPANIES HAVE A MAJORITY OF RESIDENT CANADIANS ON THEIR BOARDS.

3. PLEASE SEE ALSO OTTAWA 718 OF MARCH 12, 1974 REGARDING COMPETITION LEGISLATION INTRODUCED IN HOUSE OF COMMONS MARCH 11. PROVISIONS RELEVANT TO SUBJECT CASE ARE ALSO CONTAINED IN SAME LEGISLATION, BILL C-2, WHICH REINTRODUCED INTO PRESENT PARLIAMENT AND HAD FIRST READING OCTOBER 2. FOR CONVENIENCE OF WASHINGTON AGENCIES, ENTIRE TEXT OF RELEVANT PROVISIONS, I.E.,
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SECTIONS 31.5 AND 31.6 ARE REPEATED AS FOLLOWS:

BEGIN VERBATIM TEXT:

31.5 WHERE, ON APPLICATION BY THE DIRECTOR,
THE COMMISSION FINDS THAT
(A) A JUDGMENT, DECREE, ORDER OR OTHER
PROCESS GIVEN, MADE OR ISSUED BY OR OUT OF A
COURT OR OTHER BODY IN A COUNTRY OTHER THAN
CANADA CAN BE IMPLEMENTED IN WHOLE OR IN
PART BY PERSONS IN CANADA, BY COMPANIES
INCORPORATED BY OR PURSUANT TO AN ACT
OF PARLIAMENT OR OF THE LEGISLATURE OF A
PROVINCE, OR BY MEASURES TAKEN IN CANADA, AND
(B) THE IMPLEMENTATION IN WHOLE OR IN PART
OF THE JUDGMENT, DECREE, ORDER OR OTHER
PROCESS IN CANADA WOULD
(I) ADVERSELY AFFECT COMPETITION IN CANADA,
(II) ADVERSELY AFFECT THE EFFICIENCY OF
TRADE OR INDUSTRY IN CANADA WITHOUT BRINGING
ABOUT OR INCREASING IN CANADA COMPETITION
THAT WOULD RESTORE AND IMPROVE SUCH
EFFICIENCY,
(III) ADVERSELY AFFECT THE FOREIGN TRADE
OF CANADA WITHOUT COMPENSATING ADVANTAGES, OR
(IV) OTHERWISE RESTRAIN OR INJURE TRADE
OR COMMERCE IN CANADA WITHOUT COMPENSATING
ADVANTAGES,
THE COMMISSION MAY, AFTER AFFORDING A REASONABLE
OPPORTUNITY TO BE HEARD TO ALL PERSONS AND
COMPANIES TO WHOM AN ORDER HEREAFTER
REFERRED TO WOULD APPLY, BY ORDER, DIRECT THAT
(C) NO MEASURES BE TAKEN IN CANADA TO
IMPLEMENT THE JUDGMENT, DECREE, ORDER OR
PROCESS, OR
(D) NO MEASURES BE TAKEN IN CANADA TO IMPLEMENT
THE JUDGMENT, DECREE, ORDER OR PROCESS EXCEPT
IN SUCH MANNER AS THE COMMISSION PRESCRIBES
FOR THE PURPOSE OF AVOIDING AN EFFECT REFERRED
TO IN SUBPARAGRAPHS (B)(I) TO (IV).

31.6 WHERE, ON APPLICATION BY THE DIRECTOR, THE
COMMISSION FINDS THAT A DECISION HAS BEEN OR IS
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ABOUT TO BE MADE BY A PERSON IN CANADA OR A
COMPANY INCORPORATED BY OR PURSUANT TO AN ACT
OF PARLIAMENT OR OF THE LEGISLATURE OF A PROVINCE
(A) AS A RESULT OF
(I) A LAW IN FORCE IN A COUNTRY OTHER THAN
CANADA, OR
(II) A DIRECTIVE, INSTRUCTION, INTIMATION OF
POLICY OR OTHER COMMUNICATION TO THAT PERSON

OR COMPANY OR TO ANY OTHER PERSON FROM
(A) THE GOVERNMENT OF A COUNTRY OTHER
THAN CANADA OR OF ANY POLITICAL SUB-
DIVISION THEREOF THAT IS IN A POSITION TO
DIRECT OR INFLUENCE THE POLICIES OF
THAT PERSON OR COMPANY, OR
(B) A PERSON IN A COUNTRY OTHER THAN
CANADA WHO IS IN A POSITION TO DIRECT
OR INFLUENCE THE POLICIES OF THAT PERSON
OR COMPANY,
WHERE THE COMMUNICATION IS FOR THE PURPOSE
OF GIVING EFFECT TO A LAW IN FORCE IN A COUNTRY
OTHER THAN CANADA,
AND THAT THE DECISION, IF IMPLEMENTED, WOULD
HAVE OR WOULD BE LIKELY TO HAVE ANY OF THE
EFFECTS MENTIONED IN SUBPARAGRAPHS 31.5 (B)(I)
TO (IV), OR
(B) AS A RESULT OF A DIRECTIVE, INSTRUCTION,
INTIMATION OF POLICY OR OTHER COMMUNICATION
TO THAT PERSON OR COMPANY OR TO ANY OTHER PERSON,
FROM A PERSON IN A COUNTRY OTHER THAN CANADA WHO
IS IN A POSITION TO DIRECT OR INFLUENCE THE
POLICIES OF THAT PERSON OR COMPANY, WHERE THE
COMMUNICATION IS FOR THE PURPOSE OF GIVING
EFFECT TO A CONSPIRACY, COMBINATION, AGREEMENT
OR ARRANGEMENT ENTERED INTO OUTSIDE CANADA
THAT, IF ENTERED INTO IN CANADA, WOULD HAVE
BEEN IN VIOLATION OF SECTION 32,
THE COMMISSION MAY, AFTER AFFORDING TO THAT
PERSON OR COMPANY A REASONABLE OPPORTUNITY TO
BE HEARD, BY ORDER, DIRECT THAT
(C) IN A CASE DESCRIBED IN PARAGRAPH (A) OR (B),
NO MEASURES BE TAKEN BY THE PERSON OR COMPANY IN
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CANADA TO IMPLEMENT THE LAW, DIRECTIVE, INSTRUCTION,
INTIMATION OF POLICY OR OTHER COMMUNICATION, OR
(D) IN A CASE DESCRIBED IN PARAGRAPH (A), NO
MEASURES BE TAKEN BY THE PERSON OR COMPANY IN
CANADA TO IMPLEMENT THE LAW, DIRECTIVE, INSTRUCTION,
INTIMATION OF POLICY OR OTHER COMMUNICATION
EXCEPT IN SUCH MANNER AS THE COMMISSION PRESCRIBES
FOR THE PURPOSE OF AVOIDING AN EFFECT REFERRED
TO IN SUBPARAGRAPHS 31.5(B)(I) TO (IV).
END VERBATIM TEXT.
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